



THE HUMANE SOCIETY
OF THE UNITED STATES

EXHIBIT 5
DATE 2/6/2009
HB 349

FactSheet

Support HB 349 Strengthen the Animal Fighting Law in Montana:

Animal fighting involves the pitting of two animals against each other, in a pit, to fight for the purpose of gambling and entertainment. Often these animals fight for hours to the death. Dogs used for dogfighting and birds used for cockfighting are specifically bred, conditioned, and trained to fight. Dogs forced to fight are subject to severe injuries and often die of blood loss, shock, dehydration, or infection hours or even days after the fight. Common injuries to birds in cockfights include punctured lungs, broken bones, and pierced eyes. Such severe injuries occur because the birds' legs are usually fitted with razor-sharp steel blades or with gaffs, which resemble three-inch-long, curved ice picks. These artificial spurs are designed to puncture and mutilate.

Strong animal fighting laws help prevent cruelty and protect the public.

Animal fighting is an extremely inhumane and cruel activity. Recent arrests have shed light on this epidemic and public outcry for strong animal fighting laws is clear. Animal fights are a public safety risk and often associated with other criminal activities such as gambling, weapons possession, narcotics, and various violent crimes. Dogs used for fighting are bred and trained to be vicious and are a threat to communities. A study by the Chicago Police Department found that 70% of animal offenders had also been arrested for other felonies, 70% had also been arrested for illegal narcotics, 59% were gang members, and 49% had been arrested for battery related violent offenses. Animal fights often involve other illegal activities.

Montana needs felony spectator provisions in animal fighting laws.

Dogfighting and cockfighting are both illegal in every state. Currently, 19 states have felony penalties for being a spectator at an animal fight, but only two states Montana and Hawaii do not include being a spectator as a violation. NO spectator penalties at an animal fight create a loophole that makes it more difficult for law enforcement officials to effectively prosecute animal fighters. Typically, organized animal fights occur with several matches held one after the other. When police raid an animal fight it is extremely difficult to differentiate between spectators and participants who were going to fight their dog or bird in the next match. This creates a loophole allowing many animal fighters to avoid prosecution, or be subject to minimal penalties. HB 349 will close that loophole and will strengthen the animal fighting law in Montana by making a knowing spectator at an animal fight a felony.

Spectators finance the organization and promotion of animal fights and will be more likely to testify against other animal fighters

Spectators at animal fights are there primarily to gamble on the fight. They are knowing participants that often pay an admission fee to attend the fight, thereby helping making animal fighting lucrative for fight organizers. Police in Detroit recently interrupted a dog fight and found that spectators had paid \$100 a piece to attend. Those who attend animal fights are accomplices that enable an illegal activity. But having felony penalties to attend animal fights will put teeth in existing law, and also give prosecutors leverage to coerce spectators to testify against animal fight participants.

HB349
House Judiciary Committee Feb 06, 2009
Dave Pauli

On behalf of the over 24,000 members and supporters of The Humane Society of the United States (HSUS) in the state of Montana, and the members of the Montana Animal Care Association Legislative committee I am testifying as a Proponent of HB 349.

I have been working in animal protection for 26 years, and know that all the improvements included in HB 349 would help law enforcement and the judiciary solve community animal issues. But today my testimony will be directed primarily to the five word fix in the animal fighting statute.

Montana's Current Law

Only Hawaii and Montana do not include spectators as a violation in their cruelty statutes. When you look at the existing law you will note that Spectator is included in our title...but it was not retained in the text. This loophole needs to be fixed to reduce the incentives for animal fighting..

Animal Fighting is a Problem

Animal fighting is a problem in Montana. We do not have the huge organized animal fights of some states...but the anecdotal reports and post fight reports for both dog and cockfighting come into my office routinely. Every shelter in the state reports receiving fighting breed dogs that have facial, chest and leg scarring typical of dog fighting. Several counties along the Idaho border where cockfighting is a misdemeanor have had cockfighting raids and or confiscated fighting roosters. Complaints from residents complaining about rooster factories come in from around the state. Montana needs stronger laws to both crack down on and deter this activity.

Spectators are Crucial to Promoting Animal Fights

HB439 makes it a felony to be a knowing spectator at a deliberately conducted animal fight. It will not target any individual who is not aware they are present at an animal fight or situations where two animals fight without provocation by animal fighting organizers. It targets individuals who are knowingly at an organized animal fight.

The role of spectators in animal fighting is more than a mere observer. Spectators play two crucial roles; they are often participants in animal fights and they finance them.

In an organized animal fight, there are often several rounds during an event. Many spectators at one round are there to participate as animal fighters in another round. When law enforcement officials raid an animal fight, it is difficult to determine who is a participant. With weaker spectator penalties, there is a loophole in the law that allows animal fighters to be charged with much weaker penalties.

Spectators finance the organization and promotion of animal fights. The primary motivation for animal fighting is financial. Spectators often pay an admission, as high as \$100 per person. Spectators also gamble on animal fights, sometimes thousands of dollars on one fight. Without the spectator element, organized animal fighting would not flourish. Spectators play a huge role in animal fighting and the law needs to reflect that.

Those who attend dogfights are accomplices that enable an illegal activity. But having felony penalties to attend animal fights will put teeth in existing law, and also give prosecutors leverage to coerce spectators to testify against animal fighting participants. HB439 will strengthen the animal fighting law and help rid the state of this cruel and violent activity.

Thank you again for the opportunity to testify in favor of HB439. In light of the violence and cruelty associated with animal fighting, as well as the threat it is to public safety, we hope you will support HB439. Please feel free to contact HSUS with any questions or for additional information.

Attachments: Animal Fighting Fact Sheet